

National Environmental
Laboratory **Accreditation**
Conference

CONSTITUTION AND BYLAWS

Approved July 12, 2002
Effective close of NELAC 9, 2003

Note that the NELAC standards now have two significant dates: 1) the date the standards were approved at the annual meeting, and 2) the date the standards are effective and must be implemented. This is especially important as some portions of the standards have different effective dates. The approval date is part of the document control header on each page. The cover of each chapter shows both the approval date and the effective date. Changes approved for implementation at a time other than the effective date (on the chapter cover) are noted in the chapter, showing the approved text and its effective date.

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CONSTITUTION

ARTICLE I - GENERAL

This organization shall be known as "The National Environmental Laboratory Accreditation Conference" (NELAC) and is sponsored by the United States Environmental Protection Agency (EPA) as a voluntary association of state and federal officials. The purpose of the organization is to foster the generation of environmental laboratory data of known and documented quality through the adoption of national performance standards for environmental laboratories accredited under the National Environmental Laboratory Accreditation Program (NELAP) and other entities directly involved in the environmental field measurement and sampling process.

ARTICLE II - OBJECTIVES

The objectives of NELAC are:

A. Forum

To provide a national forum for the discussion of all questions related to standards for accreditation of laboratories and other entities directly involved in the environmental field measurement and sampling process.

B. Mechanism

To provide a mechanism to establish policy and coordinate activities within NELAC on matters of national and international significance pertaining to standards for accreditation of environmental laboratories and other entities directly involved in the environmental field measurement and sampling process.

C. Consensus

To establish a consensus on uniform standards for laboratory accreditation and implementation of those standards by the NELAP recognized accrediting authorities.

D. Uniformity

To encourage and promote uniform standards of quality for assessment and accreditation requirements among the various accrediting authorities.

E. Cooperation

To foster cooperation among environmental laboratory accrediting authorities and regulatory officials, and between them and other entities directly involved in the environmental field measurement and sampling process.

ARTICLE III - MEMBERSHIP

Membership is limited to officials who are in the employ of the Government of the United States, authorized representatives of Tribal Nations, and officials who are in the direct employ of the States, the Territories, the Possessions of the United States, or the District of Columbia, and who are actively engaged in environmental programs or accreditation of environmental laboratories.

ARTICLE IV - OFFICERS

The Officers constitute the Board of Directors of NELAC.

SECTION 1 - *EX OFFICIO* OFFICERS

A. Director

The Director of the EPA National Environmental Laboratory Accreditation Program is the *ex officio* Director of NELAC.

B. Executive Secretary

The Executive Secretary is an employee of EPA who is conversant with laboratory accreditation. She/he serves NELAC and its Board of Directors.

SECTION 2 - ELECTIVE OFFICERS

The Elective officers of NELAC shall be:

Chair,
Chair-Elect,
Immediate Past-Chair, and
6 members-at-large, at least two of whom shall be officials of NELAP recognized accrediting authorities.

The consecutive reelection of a Chair-Elect is prohibited; the Chair-Elect shall not serve on any committee other than the Board of Directors. Should the Chair-Elect for any reason be unable or unwilling to be installed as Chair, his/her successor shall be elected in the manner prescribed below. In this event, the newly elected Chair-Elect shall be installed as Chair.

A. Eligibility

Any Member in good standing shall be eligible to hold any office provided that the individual meets the other requirements set forth in the Constitution and Bylaws.

B. Nominations and Elections

1. Nominating Committee

The Chair shall appoint a Nominating Committee consisting of the most recent active Past Chair as Committee Chair, and nine Members, to be geographically representative insofar as possible.

2. Nominations

- a. The Nominating Committee shall submit at least one name for each elective office and present its recommendation to NELAC.
- b. Additional nominations for officers may be made from the floor by any Member at the Annual Meeting provided that prior consent of the nominee has been obtained in writing and presented to the presiding officer at the time of the nomination.

3. Elections

Officers shall be elected during a designated session of the Annual Meeting by a formal recorded vote of the Members in attendance and eligible to vote on NELAC motions.

4. Terms of Office

- a. The Chair, Chair-Elect, and Past Chair, shall serve for a term of two years or until their successors are respectively qualified and elected or appointed. After serving two years as Chair-Elect, the incumbent shall succeed to the office of NELAC Chair.
- b. The six Board of Directors' members-at-large shall serve initially for 3-year terms; two elected each year.
- c. Any Board of Directors' member-at-large shall be eligible for nomination and re-election to a second consecutive 3-year term, but no member-at-large shall serve more than 6 years consecutively.
- d. All officers shall take office immediately following the close of the Annual Meeting at which they were elected.

5. Filling Vacancies

In case of a vacancy in any of the elective offices, the Board of Directors shall fill the office by appointment.

The term of this appointment shall be until the date of the next Annual Meeting , at which time the Members vote to confirm the appointment or elect a candidate to fill the remaining time in the initial term that was vacated.

ARTICLE V - APPOINTIVE OFFICIALS

A. Appointment

The NELAC Chair shall appoint the Parliamentarian and other officials as needed to conduct activities not covered by elected officials.

B. Assumption of Office

All appointive officials shall take office immediately following appointment and shall serve through the subsequent Annual Meeting of NELAC unless otherwise requested by the NELAC Chair.

ARTICLE VI - MEETINGS OF NELAC

Attendance at Meetings of NELAC shall be open to the public. Opportunities shall be provided for comments from the attendees.

A. Annual Meeting

An Annual Meeting shall be held. The agenda for this meeting shall include the election of officers, reports from the various committees, task forces, and study groups, other items pertinent to NELAC, and presentation to the Membership of pending issues requiring action by vote.

The Annual Meeting may include the presentation of technical papers, discussions, displays, or other events at the discretion of the Board of Directors.

B. Interim Meetings

The NELAC Chair is authorized to call Interim Meetings of the Board of Directors and those Committees designated by the Chair to develop the agenda and committee recommendations for presentation and action at the Annual Meeting, and to discuss other issues pertinent to NELAC.

C. Special Meetings

1. The NELAC Chair is authorized to call a meeting of the Board of Directors at any time deemed necessary by the Chair to be in the best interest of NELAC.
2. Committees of NELAC are authorized to hold meetings at times other than the Annual Meeting or Interim Meetings.

D. Rules of Order

The rules contained in the latest version of Robert's Rules of Order shall govern NELAC in all cases to which they are applicable, and in which they are not inconsistent with the Constitution or Bylaws or special rules of NELAC.

ARTICLE VII - AMENDMENTS TO THE CONSTITUTION

This Constitution may be amended, added to, or repealed at any Annual Meeting under normal NELAC procedures. However, proposed changes must be considered by the Board of Directors at least 6 months prior to the Annual Meeting, published in the minutes of the Board of Directors' meeting at which said discussion takes place, and discussed at the general session of the Board of Directors at the Annual Meeting at which said changes shall be voted upon.

Amendments to the Constitution must be approved by a minimum of a two-thirds vote of the Members in attendance at the Annual Meeting in both the House of Representatives and the House of Delegates.

ARTICLE VIII - BYLAWS

SECTION 1 - SUPPLEMENTATION OF CONSTITUTION

This Constitution shall be supplemented by Bylaws which shall detail the methods of operation of NELAC. Such Bylaws shall not be inconsistent with the provisions of the Constitution.

SECTION 2 - AMENDMENTS AND REPEALS OF THE BYLAWS

The Bylaws may be amended, added to, or repealed at any Annual Meeting under normal NELAC procedures. However, proposed changes must be considered by the Board of Directors at least 6 months prior to the Annual Meeting, published in the minutes of the Board of Directors' meeting at which said discussion takes place, and discussed at the general session of the Board of Directors at the Annual Meeting at which said changes shall be voted upon.

Amendments to the Bylaws must be approved by a majority vote of the Members in attendance at the Annual Meeting in both the House of Representatives and the House of Delegates.

SECTION 3 - RENUMBERING

The Executive Secretary is authorized to renumber the Articles and Sections of the Constitution or Bylaws to accommodate any changes made.

BYLAWS

ARTICLE I - APPLICATION FOR MEMBERSHIP

SECTION 1 - FORM OF APPLICATION

A completed registration form for the Annual Meeting of the National Environmental Laboratory Accreditation Conference (NELAC) shall serve as the application for membership in NELAC.

ARTICLE II - MEMBERS' RECORDS

SECTION 1 - TERM OF MEMBERSHIP

Registration for the Annual Meeting shall, for government officials, constitute voting membership of NELAC and shall cover the period from the beginning of one Annual Meeting to the beginning of the next Annual Meeting.

SECTION 2 - EVIDENCE OF MEMBERSHIP

A signed statement, on the registration form of the Annual Meeting, attesting eligibility for membership in either the House of Representatives or the House of Delegates, shall constitute evidence of such membership.

ARTICLE III - USE OF THE INSIGNIA

The insignia of NELAC may be used or displayed only for official publications, announcements, and documents of NELAC unless expressly authorized for other use in writing by the Board of Directors of NELAC.

ARTICLE IV - BOARD OF DIRECTORS

SECTION 1 - MEMBERSHIP

- A. The Board of Directors consists of the Director, Executive Secretary, Chair of NELAC, Chair-Elect, the most recent still active Past Chair of NELAC, and six at-large-members, of which at least two at-large members shall be officials of NELAP recognized accrediting authorities.
- B. The Nominating Committee, in recommending candidates for the Board of Directors, shall consider geographic and organizational representation in its recommendations.
- C. The term of the Board of Directors begins with the adjournment of the Annual Meeting at which its members are elected or appointed. The Chair, Chair-Elect, and the most recent active Past Chair, shall serve two-year terms. Six of the Board of Directors, at least two of whom shall be officials of National Environmental Laboratory Accreditation Program (NELAP) recognized accrediting authorities, are members-at-large for an initial three-year term. Any Board of Directors' member-at-large shall be eligible for nomination and re-election to a second consecutive 3-year term but no member-at-large shall serve more than 6 years consecutively.

SECTION 2 - DUTIES

- A. The Board of Directors has leadership responsibility for NELAC and is charged with guiding NELAC in its primary mission of adopting standards for the accreditation of environmental laboratories.
- B. The Board of Directors establishes administrative procedures and policies, and serves as the policy and coordinating body in matters of national and international significance.
- C. The Board of Directors drafts the Constitution and Bylaws of NELAC, and interprets the intent and meaning of the Constitution and Bylaws, presents amendments, proposes changes in organizational structure, and defines roles and responsibilities as appropriate, for approval of the participants.
- D. The Board of Directors holds accountable, reviews, and approves actions of all Committees.
- E. The Board of Directors utilizes the Committees to resolve issues related to adoption and implementation of the NELAC standards.
- F. The Board of Directors acts for NELAC in all routine or emergency situations.
- G. The Board of Directors authorizes interim meetings of NELAC Committees as necessary.
- H. The Board of Directors fills any vacancy in any elective office of NELAC occurring during the term of office.
- I. The Board of Directors annually reviews the work of committees and task forces to assure that the concerns of the various constituencies are being addressed.

ARTICLE V - DUTIES OF THE OFFICERS

SECTION 1 - CHAIR

The NELAC Chair is the presiding officer at the meetings of NELAC and of the Board of Directors, makes appointments to the Committees, and appoints other NELAC officials to perform functions not covered by elected offices to serve during his or her term of office.

SECTION 2 - CHAIR-ELECT

The Chair-Elect shall:

- A. serve as acting Chair of NELAC and the Board of Directors in the event that the Chair is unable to carry out the duties of that office;
- B. perform other duties assigned by the NELAC Chair, including presiding over sessions of the meetings of NELAC and assisting the Chair in the discharge of his or her duties; and,
- C. serve on the Board of Directors.

SECTION 3 - PAST CHAIR

The most recent still-active Past Chair shall serve on the Board of Directors, serve as Chair of the Nominating Committee, and perform other duties assigned by the NELAC Chair, including presiding over sessions of the meetings of NELAC and assisting the Chair in the discharge of his or her duties.

SECTION 4 - DIRECTOR

The Director coordinates all laboratory accreditation activities within EPA for purposes of establishing a single uniform environmental laboratory accreditation system. The Director serves as the link with EPA and other federal department/agency policy makers, those responsible for implementation of the National Environmental Laboratory Accreditation Program, the NELAC Board of Directors, the Environmental Laboratory Advisory Board, and the Accrediting Authority review Board. The Director serves on the Board of Directors as an *ex officio* member, and is responsible for the appointment and support of an Executive Secretary to the Board of Directors.

SECTION 5 - EXECUTIVE SECRETARY

The Executive Secretary acts as the executive officer of NELAC, as an *ex officio* member, secretary, and executive officer of the Board of Directors, and the non-voting secretary to each standing committee; certifies eligible voters and records the vote of NELAC; keeps the records of the proceedings of the meetings, and manages NELAC administration as prescribed in its administrative procedures.

SECTION 6 - PARLIAMENTARIAN

The Parliamentarian shall, when requested by the Chair, help in resolving procedural matters at meetings of NELAC. The parliamentarian shall use the latest edition of Robert's Rules of Order and any special rules adopted by NELAC.

ARTICLE VI - COMMITTEES

SECTION 1 - GENERAL

All committees shall report on their activities to the NELAC Board of Directors.

Except as otherwise provided, committee members are appointed by the NELAC Chair to serve staggered terms on a rotating basis or until a successor is appointed. Except as otherwise provided, on completion of a term a committee member may not again be appointed to the same committee for at least one year unless the NELAC Board of Directors certifies an extenuating circumstance exists.

Except for the Nominating Committee, each committee annually selects one of its Members to serve as its chair, who may succeed himself or herself.

When necessary, an appointment shall be made to any of the committees to fill any vacancy for the unexpired portion of the participant's term.

SECTION 2 - MEMBERSHIP AND TERMS

- A. Nominating Committee. The chair is the NELAC Past Chair. In addition, nine Members, at least three of whom will be officials of a NELAP recognized accrediting authority, shall be appointed annually to serve one year.

- B. **Membership and Outreach Committee.** Ten Members, at least three of whom shall be officials of a NELAP recognized accrediting authority, shall be appointed to staggered five year terms.
- C. **Standards Review Committee.** Each NELAP recognized accrediting authority shall nominate one of its officials to be appointed for a three year term which may be continually renewed. Ten members who are not officials of NELAP recognized accrediting authorities shall be appointed to staggered five year terms.

SECTION 3 - DUTIES

- A. **Nominating Committee.** This committee shall present a slate of nominees for all elective offices at the Annual Meeting. The names and qualifications of these nominees shall appear in the report of the Nominating Committee and be published in the Annual Meeting announcement.
- B. **Membership and Outreach Committee.** This committee shall:
 - 1. Initiate invitations for membership in the House of Representatives, publicize NELAC to prospective participants, coordinate and resolve participants' concerns, establish credentialing criteria and resolve credentialing conflicts of NELAC Members;
 - 2. Solicit and develop informational materials to promote understanding and appreciation of the importance of the NELAC objectives; and,
 - 3. Promote a spirit of cooperation and timely dialogue among NELAC and all of its partners.
- C. **Standards Review Committee.** This committee shall:
 - 1. Review all standards received by NELAC from standards development organizations, review the standards for consistency with governmental, regulatory, and NELAC requirements, prepare an assessment of the advantages and disadvantages of each standard, work with the standards development organization to resolve any issues identified, present its evaluation and recommendation in a written or electronic report to the membership at least 30 days prior to the Annual Meeting, and make this report available to the public. Standards considered by this committee may include, but not be limited to, scope of accreditation, proficiency testing, on-site assessment, accreditation process, quality systems, accrediting authority, and field activities.
 - 2. Provide NELAC with current information on regulations and laws that impact laboratory testing and accreditation. It shall also be responsible for developing model state legislation and regulations to reflect the standards adopted by NELAC.

SECTION 4 – SPECIAL COMMITTEES, TASK FORCES AND STUDY GROUPS

Special committees, task forces, and study groups may be established by the NELAC Chair as the need arises or as requested by NELAC. Participants shall be appointed for as long as deemed appropriate. Upon completion of their assigned tasks, such bodies shall be dissolved by the NELAC Chair.

SECTION 5 – SUBCOMMITTEES

Upon request of any committee, the NELAC Chair may appoint a subcommittee(s) to assist that committee in fulfilling its responsibilities. The NELAC Chair may appoint Members in any combination, as the need arises or NELAC requests.

ARTICLE VII - VOTING SYSTEM

All questions before a meeting of NELAC that are to be decided by a formal recorded vote of the Members are voted upon in accordance with the following voting structures and procedures.

SECTION 1 - HOUSE OF REPRESENTATIVES

A. Official Designation

This body of officials shall be known as the "House of Representatives".

B. Composition

1. Each State, Territory, Possession of the United States, the District of Columbia, and each Tribal Nation is authorized one official to serve as its representative in the House of Representatives at the NELAC Annual Meeting. The representative shall be named by the respective Governor or the Mayor for the District of Columbia, and shall remain as the named representative of that State, Territory, Possession of the United States, the District of Columbia, or Tribal Nation until such time as the Governor or Mayor appoints someone else, or the individual is no longer an employee of the applicable governmental organization .
2. Each of the nine EPA Assistant/Associate Administrators (Office of Air and Radiation; Office of Enforcement and Compliance Assurance; Office of Environmental Information; Office of Policy; Office of Prevention, Pesticides, and Toxic Substances; Office of Regional Operations and State/Local Relations; Office of Research and Development; Office of Solid Waste and Emergency Response; and Office of Water) and each of the ten Regional Administrators, or his or her designee, may appoint one Member.
3. Each cabinet level federal department (Department of Agriculture, Department of Commerce, Department of Defense, Department of Energy, Department of Interior, and Department of Health and Human Services) with environmental laboratory accreditation, certification or evaluation activities may appoint one official to the House of Representatives as determined by the Department Secretary.
4. The Nuclear Regulatory Commission may appoint one representative to the House of Representatives.
5. At the discretion of the respective Governor or Mayor, EPA Assistant/Associate Administrator, cabinet level federal department, or the Nuclear Regulatory Commission, an alternate to the House of Representatives may be named to serve when the principal is unable to attend a national meeting of NELAC. In the absence of the principal, the alternate shall be provided all of the rights and privileges of the principal in the House of Representatives, provided that he or she has met all other requirements for Membership. If the respective Governor or Mayor, EPA Assistant/Associate Administrator, cabinet level federal department, or the Nuclear Regulatory Commission has not appointed a representative to the House of Representatives then the

Members of that State, office, department or commission in the House of Delegates shall elect one of its Members to vote in the House of Representatives.

C. Method of Designation

Prior to the NELAC Annual Meeting, the Executive Secretary shall certify to the Board of Directors the names of the Members and their alternates in the House of Representatives.

SECTION 2 - HOUSE OF DELEGATES

A. Designation

All other environmental officials of the States, Territories, Possessions of the United States, the District of Columbia, Tribal Nations and the federal government (those not sitting in the House of Representatives) are grouped as a body known as the "House of Delegates".

B. Requirements

No other special requirements apply. The number of potential Members is not limited.

SECTION 3 - VOTING RULES

A. Applicability

These rules apply only to the Annual Meetings of NELAC.

B. Quorum

A quorum of the House of Representatives is required for official voting. This quorum consists of fifty percent of the registered representatives from the States, Territories and Possessions of the United States, the District of Columbia, the Tribal Nations, and the federal government.

No quorum is required for a vote in the House of Delegates.

C. Presentation of Items for Voting

A member of the Standards Review Committee shall present standards for voting. Options that may be used in the voting process are to vote on the entire standard, to vote on grouped items or sections, or to vote on individual items. A member, with the support of 10 other Members, may request that the vote be on individual items.

Items other than standards shall be presented for voting by members of the Board of Directors or individuals selected by the Chair of NELAC.

D. Voting

At the conclusion of debate on a motion, there shall be a call for the vote, and the vote on the motion shall be taken in accordance with the following method.

1. Minimum Votes

- a. House of Representatives. A majority of the eligible and present participating representatives must cast their votes in favor of an issue for the motion to be passed. At least the minimum number of representatives required to establish a quorum must be present.
- b. House of Delegates. A majority of the eligible and present participating delegates must cast their votes in favor of an issue for the motion to be passed.

Note that any vote on amendments to the Constitution must be approved by a minimum of a two-thirds vote of the Members in attendance at the voting session of the Annual Meeting in both the House of Representatives and the House of Delegates.

2. Motion Accepted

The motion is accepted if it passes in both Houses.

3. Disposition of Failed Motions

- a. If the original motion fails, or if an amended motion fails, the original or amended motion is returned to the proposing committee for further consideration.
- b. The Chair may consider a new motion on the same subject prior to returning the issue to committee, if the conditions regarding floor amendments (Article VII, Section 4 of the Bylaws) have been met.
- c. The proposer may drop the motion or reconsider it for submission the following year.

4. Proxy Votes

Proxy votes are not permitted.

5. Method of Indicating Vote

- a. Voting is by show of hands, standing vote or machine (electronic). There shall be no voice voting.
- b. Voting by both Houses is simultaneous.

6. Recording

- a. The NELAC Executive Secretary is responsible for the establishment of a means for recording the vote of NELAC on any matter, as well as providing a means for the certification of eligible voters at any time a vote is called.
- b. House of Representatives. The votes of the Representatives are recorded and published on a state-by-state or agency-by-agency basis. The NELAC Executive Secretary must confirm that a quorum was present at the time a vote was taken.
- c. House of Delegates. The vote of the Delegates are recorded as the total number of votes, and are not tabulated on a state-by-state or agency-by-agency basis.

SECTION 4 - FLOOR AMENDMENTS

1. A Member can offer an amendment from the floor to the motion under consideration.
2. A two-thirds majority favorable vote of each House on the amendment is required for passage.
3. When a proposed standard is being considered, a Member may move for a vote not to be taken on the amendment, and for the standard to be returned to the Standards Review Committee for further consideration. Such motion shall require a majority favorable vote in both houses for passage.
4. An amendment may not involve modification of any proposed standard, but may require a standard to be adopted under conditions as defined in an administrative policy.

SECTION 5 - SEATING

A. Arrangement

The seating arrangement for voting sessions is shown in Figure 1.

B. Supervision

The Board of Directors shall control placement and movement of delegates. The Executive Secretary shall count votes.

SECTION 6 - PROCEDURES

The NELAC officers and committees are to observe the principles of due process; specifically, to give reasonable advance notice of contemplated committee studies, items to be considered for committee action, and tentative or definite recommendations for NELAC action, and to provide that all interested parties have an opportunity to be heard by committees and by NELAC.

SECTION 7 - CHANGES IN ORGANIZATION AND PROCEDURE

Changes in organization or procedure of NELAC are not effective until the Annual Meeting of NELAC following the Annual Meeting at which such proposals were approved.

FRONT OF ROOM

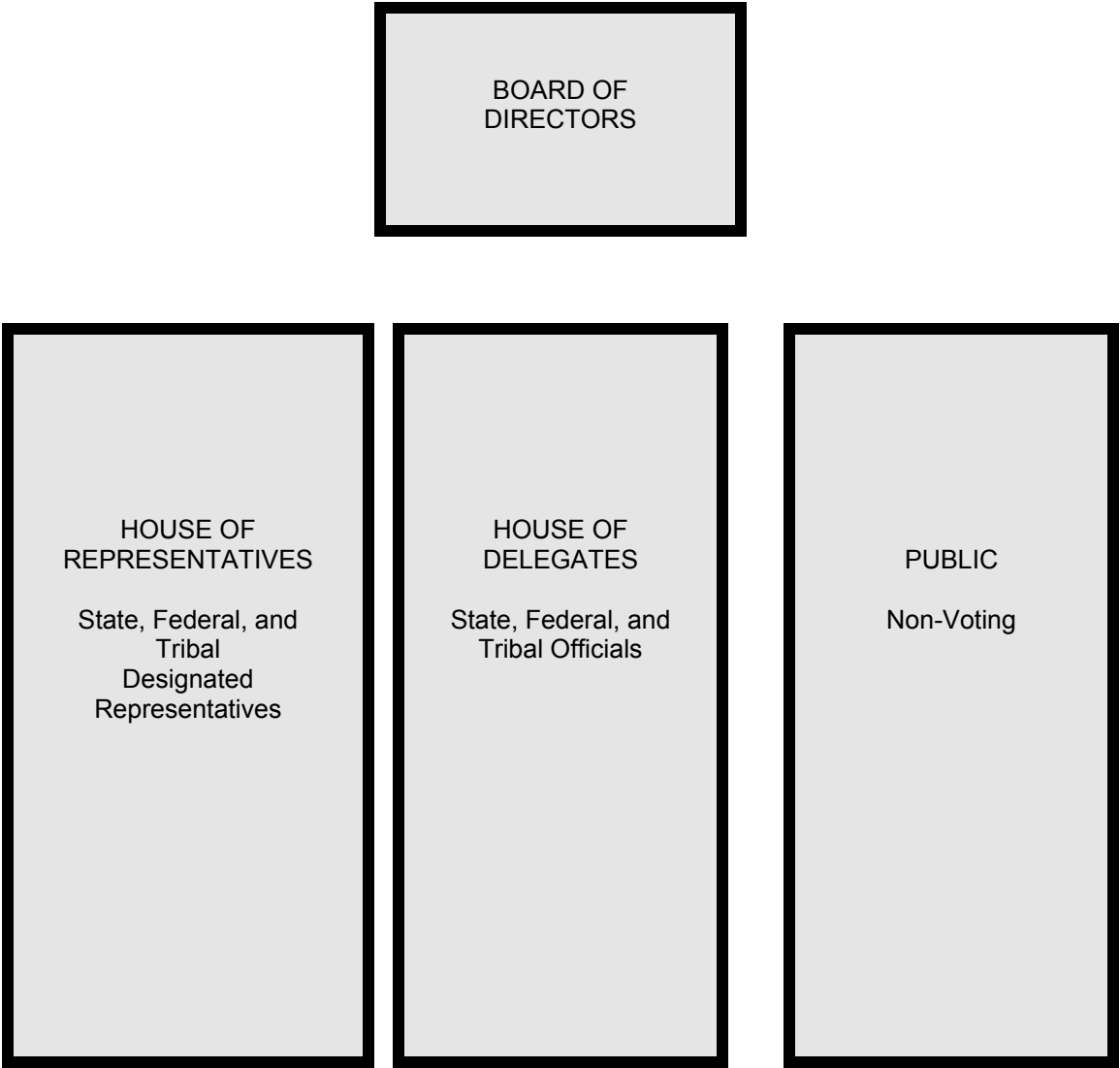


Figure 1. Seating Arrangement